

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

2 MARK L. KROTOSKI (CABN 138549)
3 Chief, Criminal Division

4 NAHLA RAJAN (CSBN 218838)
Special Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102-3495
7 Telephone: (415) 436-6838
8 FAX: (415) 436-7234
Email: nahla.rajan@usdoj.gov

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)	No. 3-06-70306 EDL
)	
14 Plaintiff,)	
)	
15 v.)	[PROPOSED] ORDER AND
)	STIPULATION EXTENDING TIME
16 ANTONIO MELENDEZ-TORRES,)	UNDER RULE 5.1 AND EXCLUDING
aka Antonio Torres Melendez,)	TIME UNDER THE SPEEDY TRIAL ACT
)	
17 Defendant.)	
)	

19 The parties stipulate and agree, and the Court finds and holds, as follows:

20 1. The parties appeared on the instant matter May 18, 2006 in front of the Honorable
21 Elizabeth D. Laporte for defendant's initial appearance on the complaint. On May 18, 2006, the
22 matter was continued to June 6, 2006 for a detention hearing and to set an arraignment /
23 preliminary hearing.

24 2. On May 18, 2006, Assistant Public Defender Steven G. Kalar, who represents the
25 defendant, requested an exclusion of time from May 18, 2006 to June 6, 2006, based on effective
26 preparation and continuity of counsel. The defendant agreed to an extension of time for the
27 preliminary hearing under Federal Rule of Criminal Procedure 5.1(d) and an exclusion of time
28 under the Speedy Trial Act. The parties agree that the time from May 18, 2006 to June 6, 2006

1 should be extended under Rule 5.1(d) and excluded in computing the time within which an
2 information or indictment must be filed. See 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

3 3. In light of the foregoing facts, the failure to grant the requested exclusion would
4 unreasonably deny counsel for the defense the reasonable time necessary for effective
5 preparation, taking into account the exercise of due diligence. See id. The ends of justice would
6 be served by the Court excluding the proposed time period. These ends outweigh the best
7 interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

8 4. For the reasons stated, the time period from May 18, 2006 to June 6, 2006 is extended
9 under Rule 5.1(d) and excluded from the calculation of time under the Speedy Trial Act, 18
10 U.S.C. § 3161(h)(8)(A).

11
12 IT IS SO STIPULATED.

13
14 DATED: _____

Respectfully Submitted,

15
16 /S/

NAHLA RAJAN
Special Assistant United States Attorney

17
18 DATED: _____

/S/

STEVEN G. KALAR
Counsel for Antonio Melendez-Torres

19
20
21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22
23 DATED: 6/2/06 _____

HONORABLE ELIZABETH D. LAPORTE
United States Magistrate

